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EXAMINER

CHOW, MING

ART UNIT                      PAPER NUMBER

2645

DATE MAILED: 06/21/2004

22

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/759,116

Applicant(s)

BELL, IAN ANDREW

Examiner

Ming Chow

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2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 01 April 2004.
- 2a)  This action is FINAL.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4)  Claim(s) 1-5,8-25,31 and 33-35 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-5,8-16,19-25,31 and 33-35 is/are rejected.
- 7)  Claim(s) 17 and 18 is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \*    c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

*Allowable Subject Matter*

1. Claim 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The prior art does not teach registering the second device and activating an alarm while the first device is activated by the signal.

*Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 4, 5, 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "said device" (line 2, claim 2; line 8, claim 19) and "the device" (line 2, claim 4) are not clearly defined. It is unclear the claimed "said device" and "the device" refer to "a communication device" or "first message-indicating device".
3. Claims 17, 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

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the invention. The phrase “registering said first device for activation in response to receipt of one of multiple types of communications” is not clearly defined. It is unclear the phrase refers to “registering.....in response to receipt of one of multiple types of communications” or “activation in response to receipt of one of multiple types of communications”.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 5, 8, 9, 19, 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Amin et al (US: 6630883).

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For claims 1, 8, 9, 19, 31, Amin et al teach on item 10 Fig. 2 message-indicating device. Amin et al teach on column 1 line 44-47 registering the message-indicating device a message notification can be forwarded.

Amin et al teach on column 1 line 42-45 receiving a message notification indicating a message, such as an e-mail, a voice-mail, or a facsimile, is stored within the subscriber's mailbox. Amin et al teach on item 19 Fig. 2 telephone, item 104 Fig. 2 computer, and column 5 line 66-67 facsimile machine (claimed "a communication device associated with the user").

Amin et al teach on column 3 line 45-52 the message-indicating device can be a IS-136 based cellular telephone, a cordless telephone, or a wireless pager. Amin et al teach on column 1 line 50-55 message notification is forwarded to the wireless message-indication device (reads on claimed "initiating a first wireless signal").

Amin et al teach on item 10 Fig. 2 message-indicating device that is a separate device from the communication device.

Regarding claim 5, Amin et al teach on column 9 line 67 to column 10 line 1-2, and column 10 line 34-35 the registration button is pressed by the user and the mobile ID, ESN, and land-line number uniquely identify the mobile station (reads on claimed "types of communication").

5. Claims 13, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Chow et al (US: 6574470).

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Chow et al teach on column 6 line 40 to column 7 line 6 a call is forwarded to wireless mobile station. The forwarding device is the claimed "communication device". The wireless mobile station is the claimed "first message-indicating device".

Chow et al teach on column 24 line 65-67 stops ringing (claimed "deactivating said alarm").

The forwarding device and the mobile device are separate devices.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3, 12-15, 17, 20, 21, 24 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin as applied to claim 1 above, and in view of Neustein (US: 6418305).

Regarding claims 2, 14, Amin failed to teach initiating a second wireless signal to said device; wherein in response to said second signal said indicator deactivates. However, Neustein teaches on column 14 line 10 "this feature automatically sets a 'voice message' indicator at the pager apparatus. It is subsequently turned off by the transmitting station after the voice message has been retrieved by calling the central station". The "turn off" of Neustein is the claimed

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“deactivate”. It is inherent that the transmitting station must initiate a (claimed “second”) wireless signal to the pager (claimed “device”) to turn off the indicator. It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have the initiating a second wireless signal to said device; wherein in response to said second signal said indicator deactivates as taught by Neustein such that the modified system of Amin et al would be able to support the initiating a second wireless signal to said device; wherein in response to said second signal said indicator deactivates to the system users.

Regarding claims 3, 15, the modified system of Amin et al in view of Neustein as stated in claim 2 above failed to teach second wireless signal is initiated after the user accesses said first communication. However, Neustein teaches on column 14 line 10 “this feature automatically sets a ‘voice message’ indicator at the pager apparatus. It is subsequently turned off by the transmitting station after the voice message has been retrieved by calling the central station”. The “voice message” of Neustein is the claimed “first communication”. It would have been obvious to one skilled at the time the invention was made to modify Amin et al, Neustein to have the second wireless signal is initiated after the user accesses said first communication as taught by Neustein such that the modified system of Amin et al, Neustein would be able to support the second wireless signal is initiated after the user accesses said first communication to the system users.

Regarding claim 12, Amin et al failed to teach after said providing, automatically initiating a second electronic signal to said first message-waiting device, wherein said second

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electronic signal is configured to deactivate said indicator. However, Neustein teaches on column 14 line 10 “this feature automatically sets a ‘voice message’ indicator at the pager apparatus. It is subsequently turned off by the transmitting station after the voice message has been retrieved by calling the central station”. The “turned off” of Neustein is the claimed “deactivate”. It is inherent that the transmitting station must initiate a (claimed “second”) wireless signal to the pager (claimed “device”) to turn off the indicator.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have the after said providing, automatically initiating a second electronic signal to said first message-waiting device, wherein said second electronic signal is configured to deactivate said indicator as taught by Neustein such that the modified system of Amin et al would be able to support the after said providing, automatically initiating a second electronic signal to said first message-waiting device, wherein said second electronic signal is configured to deactivate said indicator to the system users.

Regarding claims 13, 17, 20 and 21, Amin et al teach on column 1 line 42-45 receiving a message notification indicating a message, such as an e-mail, a voice-mail, or a facsimile, is stored within the subscriber’s mailbox. Amin et al teach on item 19 Fig. 2 telephone, item 104 Fig. 2 computer, and column 5 line 66-67 facsimile machine (claimed “a communication device associated with the user”).

Amin et al teach on column 3 line 45-52 the message-indicating device can be a IS-136 based cellular telephone, a cordless telephone, or a wireless pager. Amin et al teach on column 1



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line 50-55 message notification is forwarded to the wireless message-indication device (reads on claimed “initiating a first wireless signal”).

Amin et al teach on item 10 Fig. 2 message-indicating device that is a separate device from the communication device.

The “message notification” as taught by Amin et al is the claimed “alert”.

Amin et al failed to teach “deactivate in response to a second signal”. However, Neustein teaches on column 14 line 10 “this feature automatically sets a ‘voice message’ indicator at the pager apparatus. It is subsequently turned off by the transmitting station after the voice message has been retrieved by calling the central station”. The “turned off” of Neustein is the claimed “deactivate”. It is inherent that the transmitting station must initiate a (claimed “second”) wireless signal to the pager (claimed “device”) to turn off the indicator.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have the after said providing, automatically initiating a second electronic signal to said first message-waiting device, wherein said second electronic signal is configured to deactivate said indicator as taught by Neustein such that the modified system of Amin et al would be able to support the after said providing, automatically initiating a second electronic signal to said first message-waiting device, wherein said second electronic signal is configured to deactivate said indicator to the system users.

Regarding claim 24, Amin et al teach on column 5 line 30-32 a display to display the notification.

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Regarding claim 35, Amin et al failed to teach said notification server initiates a second wireless signal toward said first device after the first user acknowledges said first communication; and wherein in response to said second wireless signal alarm is deactivated. However, Neustein teaches on column 14 line 10 this feature automatically sets a “voice message” indicator at the pager apparatus. It is subsequently turned off by the transmitting station after the voice message has been retrieved by calling the central station. The “turn off” of Neustein is the claimed “deactivate”. It is inherent that the transmitting station must initiate a (claimed “second”) wireless signal to the pager (claimed “device”) to turn off the indicator. The “voice message” of Neustein of the claimed “first communication”.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have the said notification server initiates a second wireless signal toward said first device after the first user acknowledges said first communication; and wherein in response to said second wireless signal alarm is deactivated as taught by Neustein such that the modified system of Amin et al would be able to support the said notification server initiates a second wireless signal toward said first device after the first user acknowledges said first communication; and wherein in response to said second wireless signal alarm is deactivated to the system users.

7. Claims 4, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 1 above, and in view of Schull et al (US: 5363431). Amin et al failed to teach indicator deactivates in response to manipulation of the device by the user. However, Schull et al teach on column 5 line 66 “a subscriber location after retrieving any waiting message

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can then activate the button and deactivate the indicator”. The “activate the button” of Schull is the claimed “manipulation”. It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have the indicator deactivates in response to manipulation of the device by the user as taught by Schull et al such that the modified system of Amin et al would be able to support the indicator deactivates in response to manipulation of the device by the user to the system users.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 1 above, and in view of Houggy et al (US: 5838226). Amin et al failed to teach registering a second message-indicating device for the user; and initiating said first signal to said second device when said first signal is initiated to said first device. However, Houggy et al teach on column 38 line 36 “transmitting the first signal with the first device to each of the second devices at the same time”. It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have the registering a second message-indicating device for the user; and initiating said first signal to said second device when said first signal is initiated to said first device as taught by Houggy et al such that the modified system of Amin et al would be able to support the registering a second message-indicating device for the user; and initiating said first signal to said second device when said first signal is initiated to said first device to the system users.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amin as applied to claim 1 above, and in view of Homan et al (US: 6317485). Amin et al failed to teach

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registering a second message-indicating device for the user; and initiating said first signal to said second device when notification of receipt of a second communication directed to the user is received, but not when said notification of said first communication is received. However, Homan et al teach on column 8 line 12 “the message store provider provides the subscriber with a mechanism to identify which types of messages should trigger notification”. The types of messages that do not trigger notification of Homan is the claimed “first communication”. The types of messages that do trigger notification of Homan is the claimed “second communication”. The “notification” of Homan is the claimed “first signal”. Homan et al also teach on column 7 line 11 “additional sub-menu choices corresponding to the available notify choices: paging notify, outcall notify, e-mail notify, lamp notify, and stutter tone notify”. The device of receiving notification of Homan is the claimed “second message-indicating device”. It is inherent that the second message-indicating device must be registered for receiving the notification. It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have the registering a second message-indicating device for the user; and initiating said first signal to said second device when notification of receipt of a second communication directed to the user is received, but not when said notification of said first communication is received as taught by Homan et al such that the modified system of Amin et al would be able to support the registering a second message-indicating device for the user; and initiating said first signal to said second device when notification of receipt of a second communication directed to the user is received, but not when said notification of said first communication is received to the system users.

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10. Claims 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 20 above, and in view of Neustein, Snyder (US: 5588038).

The modified system of Amin et al in view of Neustein as stated in claim 20 above failed to teach “a switch configured to issue said second signal in response to user manipulation”.

However, Snyder teaches on column 4 line 5-13 a pager with a switch to issue a second signal.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al, Neustein to have the “a switch configured to issue said second signal in response to user manipulation” as taught by Snyder such that the modified system of Amin et al, Neustein would be able to support the switch to issue a second signal to the system users.

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 20 above, and in view of Neustein, Swistock (US: 6389115).

The modified system of Amin et al in view of Neustein as stated in claim 20 above failed to teach “said indicator is an audible indicator”. However, Swistock teaches on column 4 line 2-5 a sound notification on a cell phone to indicate receipt of a voice mail.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al, Neustein to have the “said indicator is an audible indicator” as taught by Swistock such that the modified system of Amin et al, Neustein would be able to support the audible indicator to the system users.

12. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 31 above, and in view of Sundhar (US: 6201858).

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Amin et al failed to teach “a second communication.....wherein said alarm.....wireless signal”. However, Sundhar teaches on column 1 line 41-43 an indication is sent to all phones (reads on claimed “second device”).

It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have the “a second communication.....wherein said alarm.....wireless signal” as taught by Sundhar such that the modified system of Amin et al would be able to support the first signal to activate both first and second device to the system users.

13. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 31 above, and in view of Amin (US: 6014559; hereafter Amin-559).

Amin et al failed to teach “a second.....wherein said.....wireless signal”. However, Amin-559 teaches on column 7 line 9-12 different notification messages are sent to different MINs. In other words, the first signal for the first notification message does not activate the second device.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have the “a second.....wherein said.....wireless signal” as taught by Amin-559 such that the modified system of Amin et al would be able to support the first signal for first notification does not activate the second device to the system users.

*Response to Arguments*

14. Applicant's arguments filed on 4/1/04 have been fully considered.
- i) Applicant argues, on pages 1-13, regarding new amendments. Rejections to the new amendments have been stated above.

*Conclusion*

15. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Venturini (US: 5987317) teaches automatic public/autonomous system message waiting indicator recognition.

16. Any inquiry concerning this communication or earlier communication from the examiner should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this

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application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any inquiry of a general nature or relating to the status of this application or proceeding should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**Or faxed to Central FAX Number 703-872-9306.**

Patent Examiner

Art Unit 2645

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(w)

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